

REMARKS:

A Notice of Non-Complaint Amendment in the subject Application was mailed to the undersigned on 12 December 2008 and provides for a response period ending 12 January 2009.

Specifically, the Notice states that “Claim 29 has not been provided with a correct Status Identifier.” (12 December 2008 Notice, page 2). In addition, the Notice indicates that the correction required is only the corrected section of the non-compliant amendment. (12 December 2008 Notice, page 1). In response Applicants are submitting this Response in conformity with the Notice’s requirement.

However, Applicants note that the Notice of Non-Complaint Amendment dated 12 December 2008 was not received at the correspondence address of record on file with the USPTO. As a result, the one month period for reply ending 12 January 2009 elapsed without reply.

Out of an abundance of caution, a search of the USPTO PAIR system was conducted on 11 March 2009 to check the status of the subject Application. The Notice of Non-Complaint Amendment dated 12 December 2008 was thereby discovered. In response to discovering the Notice, a search of practitioners records including the file jacket and the master docket revealed that the Notice of Non-Complaint Amendment dated 12 December 2008 was not received. In addition, the non-received Notice of Non-Complaint Amendment dated 12 December 2008 would have been scheduled for reply on the master docket, had it been received.

The undersigned, Steven J. Laureanti, telephoned Examiner Jamie H. Swartz on 11 March 2009 to advise Examiner Swartz that Applicants did not receive the Notice of Non-Complaint Amendment dated 12 December 2008 and to inquire as to the Extensions of time that are available under 37 C.F.R. § 1.136(a). Examiner Swartz telephoned Mr. Laureanti on 12 March 2009, after checking with her supervisor, and stated that since the non-compliant amendment is a non-final amendment, Applicants may extend the time period for reply up to five months after the time period set for reply on the Notice of Non-Complaint Amendment dated 12 December 2008.

With respect to the Notice of Non-Complaint Amendment dated 12 December 2008, Applicants are submitting electronically herewith this Response in conformity with the Notice's requirement and *a request for a two-month extension of time for reply extending the response period to 12 March 2009.*

CONCLUSION:

The Director is hereby authorized to charge the \$490.00 Two-Month Extension of Time fee to Deposit Account No. 500777. Although the Applicants believe no additional fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an additional extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

12 March 2009

Date

/Steven J. Laureanti/signed

Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy., Ste. 101
Tempe AZ, 85281
214.636.0799 (mobile)
480.830.2700 (office)
480.830.2717 (fax)
steven@boothudall.com

CUSTOMER NO. 53184